

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN CANGELIER,)	
Petitioner-Movant,)	
)	
v.)	02: 03cr239
)	02: 05cv1395
JOSEPH SMITH, Warden, U.S.P.)	
Lewisburg,)	
Respondent.)	

ORDER OF COURT

On October 5, 2005, Petitioner John Cangelier filed a MOTION TO VACATE, SET ASIDE, OR CORRECT A SENTENCE BY A PERSON IN FEDERAL CUSTODY (MOTION UNDER 28 U.S.C. § 2255). Upon review of the Motion, the Court notes that Petitioner has incorrectly captioned this matter under 28 U.S.C. §2255 by improperly naming Joseph Smith, Warden, U.S.P. Lewisburg, as the Respondent.

AND NOW this 6th day of October, 2005, in accordance with Rule 2(c) of the Rules Governing Section 2255 Proceedings for the United States District Court, it is hereby **ORDERED** that the caption of this action is amended and shall hereafter read as follows:

UNITED STATES OF AMERICA,)	
)	
v.)	02: 03cr239
)	02: 05cv1395
JOHN CANGELIER,)	
Movant.)	

It is also **ORDERED** that Joseph Smith, Warden, U.S.P. Lewisburg, is hereby dismissed as the Respondent in this matter forthwith.

Furthermore, it is **ORDERED** that the government shall file a response to said Motion to Vacate, Set Aside, or Correct a Sentence By A Person In Federal Custody (Motion Under 28 U.S.C. § 2255) on or before **November 7, 2005**.

BY THE COURT:

s/Terrence F. McVerry
United States District Court Judge

cc: James H. Love,
Assistant U.S. Attorney
Email: james.love@usdoj.gov

John Cangelier, 04480-068
USP Lewisburg
U.S. Penitentiary
P. O. Box 1000
Lewisburg, PA 17837